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 EDGEWOOD COMPANIES,  
 a Nevada corporation

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEVADA

SMC CONSTRUCTION CO., a Nevada  
 corporation,

Plaintiff,

v.

REX MOORE GROUP, INC., a California  
 corporation (designated a Nevada  
 corporation in error), and DOES 1 through  
 5, inclusive,

Defendants.

AND RELATED CROSS-ACTION.

Case No. 3:17-cv-00470-MMD-VPC

**STIPULATION FOR DISMISSAL OF  
 ENTIRE ACTION WITH PREJUDICE  
 AND [PROPOSED] ORDER**

**INTRODUCTION**

This Stipulation for Dismissal of Entire Action with Prejudice (the “Stipulation”) is  
 entered between SMC Construction Co. (“SMC”), Rex Moore Group, Inc. (“Rex Moore”),

1 Edgewood Companies (“Edgewood”), and Liberty Mutual Insurance Company (“Liberty”)  
2 (collectively, “the Parties”), as follows:

3 **RECITALS**

4 A. On or about July 20, 2017, SMC filed an action against Rex Moore in the Ninth  
5 Judicial District Court of the State of Nevada in and for the County of Douglas, as Case No. 17-  
6 CV-0154 (the “State Court Action”).

7 B. On or about August 8, 2017, Rex Moore filed its Petition for Removal of the State  
8 Court Action to the United States District Court for the District of Nevada, as Case No. 3:17-cv-  
9 00470 (the “Action”).

10 C. On or about August 15, 2017, Rex Moore filed its Answer to Complaint of SMC  
11 Construction, Demand for Jury Trial and Counterclaim which named SMC and Edgewood as  
12 counter-defendants.

13 D. On or about November 2, 2017, Rex Moore filed its Amended Counterclaim and  
14 Request for Jury Trial in the Action, bringing counterclaims against SMC, Edgewood, and  
15 Liberty.

16 E. On November 16, 2017, Edgewood answered the Rex Moore’s Amended  
17 Counterclaim and asserted a counterclaim against Rex Moore.

18 F. The Parties participated in a Settlement Conference before Hon. Magistrate Judge  
19 Valerie Cooke on March 1, 2018.

20 G. Thereafter, on March 21, 2018, the Parties executed a written settlement  
21 agreement.

22 H. All conditions of the settlement have been satisfied, and the Parties wish to dismiss  
23 the complaint and all counterclaims with prejudice pursuant to the terms of their settlement  
24 agreement.

25 **STIPULATION**

26 IT IS HEREBY STIPULATED by and between the Parties, through their designated  
27 counsel, that the Action, and each claim and counterclaim asserted therein, shall be dismissed  
28 with prejudice pursuant to Federal Rule of Civil Procedure 41.

DATED: March 27, 2018

ROBISON, SIMONS, SHARP & BRUST

By: /s/ Kent Robison

KENT ROBISON  
Attorney for Plaintiff and Counterdefendant  
SMC CONSTRUCTION CO.

DATED: March 27, 2018

JACOBSON MARKHAM LLP

By: /s/ Patrick T. Markham

PATRICK T. MARKHAM  
Attorney for Defendant, Counterclaimant, and  
Counterdefendant  
REX MOORE GROUP, INC.

DATED: March 27, 2018

DOWNEY BRAND LLP

By: /s/ Andrew L. Collier

ANDREW L. COLLIER  
Attorney for Counterdefendant  
EDGEWOOD COMPANIES,  
a Nevada corporation

**ORDER**

Pursuant to the Parties' above Stipulation, the above-captioned Action, and each claim and counterclaim asserted therein, is hereby DISMISSED WITH PREJUDICE. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

DATED: March 27, 2018

By: 

UNITED STATES DISTRICT JUDGE